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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,867	03/03/2004	Hugues Cheron	111393.01	3122
25944	7590	04/25/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 04/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/790,867

Applicant(s)

CHERON ET AL.

Examiner

Ismael Negron

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on February 14, 2006 has been entered. Claim 1 has been amended. No claims has been cancelled, or added. Claim 1 is still pending in this application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim one recited the outside skin of the bumper as forming at least a portion of at least one of the components elements of the light unit (see lines 6 and 7), however, it later defines the glass as being the component formed by the outside skin (see line 7).

Claim 1 is indefinite as it is not clear is the outside skin must form only a portion of a component, or the whole of the component to meet the claimed limitations.

The applicant is advised that in comparing the claimed subject matter with the Prior Art the Examiner assumed the outside skin as forming merely a portion of at least one component of the light unit. If the Examiner's assumption is correct, it is respectfully suggested that Claim 1, line 7, be amended to read: "*unit and the portion*"

of the at least one component element of the light unit formed by the outside skin is the glass, the"

Claim Rejections - 35 USC-§ 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over HANEDA ET AL. (U.S. Pat. 4,996,634) in view of SUZUKI (U.S. Pat. 4,809,144).

4. HANEDA ET AL. discloses a car bumper having:

- **an outside skin at least partially formed by a wall of plastic material (as interpreted from Claim 1), Figure 3, reference number 1;**
- **a light unit (as recited in Claim 1), Figure 3, reference number 10;**
- **the light unit having a housing (as recited in Claim 1), Figure 3, reference number 10; and**
- **the outside skin of the bumper forming the lighting unit (as recited in Claim 1), Figure 3.**

5. HANEDA ET AL. discloses all the limitations of the claims, except:

- the light unit having a glass for enabling light emitted by the light source to be diffused (as recited in Claim 1);
- the glass being the component element of the lamp formed by the outside skin (as recited in Claim 1); and
- the glass being assembled to the outside skin in a permanent and non-removable manner (as recited in Claim 1).

6. SUZUKI discloses a car headlamp having:

- **a housing (as recited in Claim 1), Figure 1, reference number 1;**
- **a lens (as recited in Claim 1), Figure 1, reference number 2;**
- **the glass being assembled to the housing in a permanent and non-removable manner (as recited in Claim 1), as evidenced by Figure 1.**

7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the headlamp of SUZUKI as the light unit of the bumper of teachings of HANEDA ET AL. to prevent the interior of the light unit to accumulate moisture, as per the teachings of SUZUKI.

8. Regarding the lens being part of the outer skin (as recited in Claim 1), the Examiner takes Official Notice that the using such glass as part of the outer skin is old and well known in the illumination art. It would have been obvious to one of ordinary

skill in the art at the time the invention was made to use the glass of JONES et al. as part of the outside skin of the bumper/lamp combination of HANEDA et al. and SUZUKI. One would have been motivated maintain the aesthetic design profile of the outer skin and to provide a smoother surface with lower drag.

Response to Arguments

9. Applicant's arguments filed February 10, 2005 have been fully considered but they are not persuasive.

10. Regarding the Examiner's rejection of Claim 1 under 35 U.S.C. 103(a) as being unpatentable over HANEDA et al. (U.S. Pat. 4,996,634) in view of SUZUKI (U.S. Pat. 4,809,144), the applicant argues that the cited combination of references fail to disclose individually, or suggest in combination, all the features of the claimed invention, specifically a plastic outside skin of a car bumper forming a glass of a light unit, such glass being assembled to the outside skin in a permanent and non-removable manner. The applicant further argues that it would have flown naturally from the proposed combination to attached the lens of SUZUKI to the bumper of HANEDA et al. via isolated connection points in order to periodically remove the lens to replace the lamp bulb.

11. In response to applicant's argument that HANEDA ET AL. and SUZUKI fail to disclose individually, or suggest in combination, a plastic outside skin of a car bumper

forming a glass of a light unit, such glass being assembled to the outside skin in a permanent and non-removable manner, the applicant is once again advised that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In this case, as detailed in section 4-8 of the instant Office Action, HANEDA et al. discloses in Figure 3 a car bumper having an outside skin 1 formed by a plastic material, and lamp housing 10 formed integrally with such skin. The lamp housing 1 is open at one end exposing a lamp bulb and socket 17 to the outside. SUZUKI discloses a car lamp having a lamp housing 1 including a lamp bulb 3 and socket, the lamp housing being closed at one end by a lens 2. The lens 2 of SUZUKI is permanently and non-removably attached to the lamp housing 1, as evidenced in Figure 1.

Applicant's "*isolated connection points*" argument fly in the face of fact, as neither SUZUKI or HANEDA et al. disclose such structure. SUZUKI clearly shows the lens 2 permanently attached to the lamp housing 1 by what one of ordinary skill in the art would recognize as welding or adhesive means at a periphery of the lens, as it is generally the standard in like structures.

12. Regarding the lens being removable for changing the lamp bulb, as the applicant argues is a requirement of the proposed combination, the applicant is advised that the test is what the combined teachings of the references, as a whole, would have

suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Applicant's arguments apparently ignore the fact that the lens 2 of the patented structure of SUZUKI is needs not be removable to allow the lamp bulb 3 to be replaced since it is also disclosed a lamp socket which is removable from the back of the housing.

13. Regarding applicant's arguments that the glass is not attached to the outside skin, the applicant is respectfully advised that claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974). See also *In re American Academy of Science Tech Center*, 70 USPQ2d. 1827 (Fed. Cir. May 13, 2004). MPEP § 2111.01.

In this case, the applicant is directed to line 8 of the claim, where the glass is defined as being assembled to the outside skin in a permanent and non-removable manner. The used of the word "assembled" (defined by Merriam Webster's Collegiate Dictionary as: to bring together, to fit together the parts) was considered to inherently indicate the glass and the outside skin as being separate and distinct elements joined by fastening means, not an integrally formed structure.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached at (571) 272-2378. The facsimile machine number for the Art Group is (571) 273-8300.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications maybe obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you

Application/Control Number: 10/790,867

Page 9

Art Unit: 2875

have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.



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